IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.18451 OF 2006

Date of decision : November 23, 2006

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M/s Lakhbir Kaur .....Petitioner

Vs.

Assistant Provident Fund Commissioner & Circle Officer & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE J.S NARANG
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Arun Bakshi, Advocate for the petitioner(s).

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J.S NARANG, J. (Oral)

We have heard the learned counsel for the petitioner and have also perused the paper book. The extraordinary writ jurisdiction of this Court has been invoked under Article 226, 227 of the Constitution of India for seeking the issuance of a writ in the nature of mandamus for issuing direction to respondent no.1 to hear and decide the petition under Section 7A of the Employees Provident funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as `the Act') and recalling of the ex parte order dated November 10, 2004 raising a demand of Rs.5,28,108/- against the petitioner.

Learned counsel has not been able to point out that the

authorities were entrusted with any power to recall such order. Learned counsel has pointed out that application has been filed under statutory provisions i.e Section 7 A Sub Section 4 of the Act and that the application has been filed within 3 months and that the application is lying pending without any decision for the last more than one and a half year and a request has been made for deciding the aforesaid application expeditiously vide request letter dated October 30, 2006 (Annexure P-13). The petitioner is at liberty to prosecute a request letter before the concerned authority. We refrain ourselves from granting indulgence under Articles 226 & 227 of the Constitution of India for issuing directions. No legal right is sustainable by virtue of the jurisdiction claimed from us.

(J.S NARANG)
JUDGE

November 09, 2006
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(H.S BHALLA)
JUDGE